

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR - 3 2007

DAVID J. IVALLAND, CLERK

BY

DEPUTY _____

UNITED STATES OF AMERICA

§

§

vs.

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§

CHARLES OSCAR HUGGINS

§

Case No. 4:03cr112
(Judge Schell/Judge Bush)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 6, 2007, to determine whether the Defendant violated his supervised release. The Defendant was represented by John Haughton. The Government was represented by Stevan Buys.

On May 8, 1991, the Defendant was sentenced by the Honorable Graham C. Mullen to 151 months custody followed by a five 5 year term of supervised release for the offense of Taking Money in Excess of \$100 from a Bank Insured by FDIC by Using Dangerous Weapons (3 counts), a Class B felony. On January 23, 2002, Defendant completed his period of imprisonment and began service of his supervised term.

On October 3, 2003, Defendant appeared before the Honorable Judge Paul Brown for violations of his supervised release. Defendant's supervised release was revoked and he was sentenced to 24 months imprisonment to be followed by 36 months of supervised release subject to standard and special conditions. On December 30, 2005, Defendant completed his period of imprisonment and began

service of the subsequent term of supervised release. On March 2, 2006, Defendant's conditions of supervised release were modified to include participation in mental health treatment.

On July 19, 2006, the U.S. Probation Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not illegally possess or use a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (4) Defendant shall submit to one drug test within 15 days of release from imprisonment or placement on probation, and at least two periodic drug tests thereafter, as directed by the probation officer.

The petition alleges that Defendant committed the following acts: (1) On July 2, 2006, Defendant was arrested for the offenses of Manufacture/Delivery of a Controlled Substance-Methamphetamine and Possession of Drug Paraphernalia; (2) On June 8, 2006, Defendant was arrested and found guilty of the offense of Public Intoxication; and (3) On March 31, 2006, Defendant submitted a urine specimen which tested positive for methamphetamine and cocaine.

Prior to the Government putting on its case, Defendant entered a plea of true. At the hearing, the Court recommended that the Defendant's supervised release be

revoked.

RECOMMENDATION

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 12 months, to be served consecutively to any other term, with no supervised release to follow. Also, Defendant is to pay his restitution balance, due immediately, in the amount of \$12,202.00, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office, P.O. Box 570, Tyler, Texas 75710.

Signed this 27 day of March, 2007.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE